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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,) No. 3:19-cr-00056-SLG-DMS
)
Plaintiff,	) <u>COUNT 1:</u>
	) POSSESSION OF A CONTROLLED
v.	) SUBSTANCE WITH INTENT TO
	) DISTRIBUTE
DAVON LYNN SMITH,	) Vio. of 21 U.S.C. § 841(a)(1),
a/k/a "Drizzy,"	) (b)(1)(C)
)
Defendant.	) <u>COUNTS 2 and 3:</u>
	) SEX TRAFFICKING OF MINORS
	) Vio of 18 U.S.C. § 1591(a)(1), (2)
)
	) <u>COUNT 4:</u>
	) SEX TRAFFICKING BY FORCE,
	) FRAUD, AND COERCION
	) Vio of 18 U.S.C. § 1591(a)(1)
)
	) <u>CRIMINAL FORFEITURE</u>
	) <u>ALLEGATION 1</u>
	) 18 U.S.C. § 1594(d) and
	) 28 U.S.C. § 2461(c)
)

FIRST SUPERSEDING INDICTMENT

The Grand Jury charges that:

COUNT 1

On or about May 13, 2019, within the District of Alaska, the defendant, DAVON LYNN SMITH, a/k/a “Drizzy,” did knowingly and intentionally possess with intent to distribute a mixture and substance containing a detectable amount of heroin.

All of which is in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C).

ENHANCED STATUTORY PENALTIES ALLEGATION

Before DAVON LYNN SMITH, a/k/a “Drizzy,” committed the offense charged in Count 1, the defendant had a final conviction for Drug Conspiracy, in violation of 18 U.S.C. §§ 846 and 841(a)(1), (b)(1)(C), case number 3:16-cr-00049-SLG, a serious drug felony, for which he served more than 12 months of imprisonment and for which his release from any term of imprisonment related to that offense was within 15 years of the commencement of the instant offenses.

COUNT 2

Between a date unknown to the Grand Jury, and on or about April 1, 2019, in the District of Alaska, the defendant, DAVON LYNN SMITH, a/k/a “Drizzy,” in and affecting interstate commerce, did knowingly recruit, entice, harbor, transport, provide, and maintain by any means, a person, to wit: a 16-year-old female identified as “Minor Victim 1,” knowing, and in reckless disregard of the fact, that force, threats of force, fraud, and coercion, and any combination of such means would be used to cause Minor

Victim 1 to engage in a commercial sex act, and having had a reasonable opportunity to observe Minor Victim 1, that Minor Victim 1 had not attained the age of 18 years and would be caused to engage in a commercial sex act.

All of which is in violation of 18 U.S.C. § 1591(a)(1).

COUNT 3

Between a date unknown to the Grand Jury, and on or about April 1, 2019, in the District of Alaska, the defendant, DAVON LYNN SMITH, a/k/a “Drizzy,” in and affecting interstate commerce, did knowingly benefit, financially and by receiving anything of value, from participating in a venture which recruited, enticed, harbored, transported, provided, and maintained by any means, a person, to wit: a 16-year-old female identified as “Minor Victim 1,” knowing, and in reckless disregard of the fact, that force, threats of force, fraud, and coercion, and any combination of such means would be used to cause Minor Victim 1 to engage in a commercial sex act, and having had a reasonable opportunity to observe Minor Victim 1, that Minor Victim 1 had not attained the age of 18 years and would be caused to engage in a commercial sex act.

All of which is in violation of 18 U.S.C. § 1591(a)(2).

COUNT 4

Between a date unknown to the Grand Jury and on or about May 13, 2019, in the District of Alaska, the defendant, DAVON LYNN SMITH, a/k/a “Drizzy,” in and affecting interstate commerce, did knowingly recruit, entice, harbor, transport, provide, and maintain by any means, a person, to wit: an adult female identified as “P.C.,”

knowing, and in reckless disregard of the fact, that means of force, threats of force, fraud, and coercion would be used to cause P.C. to engage in a commercial sex act.

All of which is in violation of 18 U.S.C. § 1591(a)(1).

CRIMINAL FORFEITURE ALLEGATION 1

The allegations contained in Counts 2 through 4 are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 1594(d).

Upon conviction of the offenses in violation of 18 U.S.C. §§ 1591 and 1594(c), as set forth in Counts 2 through 4 of this First Superseding Indictment, the defendant, DAVON LYNN SMITH, a/k/a “Drizzy,” shall forfeit to the United States pursuant to 18 U.S.C. § 1594(d), any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violations, and any property, real or personal, constituting or derived from, any proceeds obtained, directly or indirectly, as a result of such violations.

Substitute Property

If any such property subject to forfeiture as a result of the offenses alleged in Counts 2 and 4 of this First Superseding Indictment, for which defendant is convicted:

1. cannot be located upon the exercise or due diligence;
2. has been transferred or sold to, or deposited with, a third party;
3. has been placed beyond the jurisdiction of the Court;
4. has been substantially diminished in value; or

5. has been comingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 28 U.S.C. § 2461(c), incorporating 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant, up to the value of the property subject to forfeiture.

All pursuant to 18 U.S.C. § 1594(d) and 28 U.S.C. § 2461(c), and Rule 32.2(a) of the Federal Rules of Criminal Procedure.

A TRUE BILL.

s/ Grand Jury Foreperson
GRAND JURY FOREPERSON

s/ Kyle Reardon
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s/ Bryan Schroder
BRYAN SCHRODER
United States Attorney
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DATE: 06/19/2019